

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

<p>CARY LEEPER, individually and on behalf of all others similarly situated</p> <p style="text-align: right; padding-right: 20px;">Plaintiff,</p> <p>v.</p> <p>LIGHTHOUSE INSURANCE GROUP, LLC a Florida limited liability company,</p> <p style="text-align: right; padding-right: 20px;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case No. 1:20-cv-02821-PAB</p> <p>Judge Pamela A. Barker</p> <p>REPORT OF PARTIES’ PLANNING MEETING UNDER FED. R. CIV. P. 26(f) AND LR 16.3(b)(3)</p>
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1. Pursuant to Fed. R. Civ. P. 26(f) and LR 16.3(b)(3), the following counsel of record have conferred:

Patrick H. Peluso, counsel for Plaintiff and the alleged class

Matthew R. Duncan, counsel for Defendant

2. The parties will exchange pre-discovery disclosures required by Fed. R. Civ. P. 26(a)(1) and the Court’s prior order by April 9, 2021.

3. The Parties recommend the following track: Complex.

4. The case is suitable for mediation, but the Parties believe a mediation session would be most useful after a reasonable period of discovery as to class and merits issues.

5. The Parties do not consent to the jurisdiction of the United States Magistrate Judge.

6. Electronically Stored Information. The Parties have agreed to follow the default standard for discovery of electronically-stored information (Appendix K to Northern District of Ohio Local Rules).

7. Recommended Discovery Plan:

(a) Describe the subjects on which discovery is to be sought and the nature and extent of discovery.

Plaintiff's Position: Plaintiff will need discovery on Defendant's equipment used to place the text messages at issue, the content of the text messages, the source of any supposed consent, Defendant's ability to identify all others who consented in the same way, and Defendant's defenses.

Defendant's Position: Defendant will need discovery on all text messages allegedly sent to Plaintiffs, the content of the messages, any other communication between Plaintiffs and Defendant, and any communications between Plaintiffs and any third-parties concerning Defendant.

(b) Discovery cut-off date:

The Parties propose that discovery should proceed with respect to both class and merits issues for a period of ten (10) months, until May 28, 2022. The first eight (8) months, through November 30, 2021, will be devoted to written and oral fact discovery. The final two (2) months will be devoted to experts. At the close of this ten (10) month period, the Parties would brief class certification. The Parties propose that Plaintiff's Motion for Class Certification be due by February 28, 2022. Following a ruling on class certification the Court would hold a subsequent case management conference and establish a schedule for the remainder of the case, including a period for any remaining merits-based discovery, and dates for summary judgment briefing, pre-trial conferences, and trial.

8. Recommended dispositive motion date: The Parties request that the dispositive motion date be set at the subsequent case management conference following a ruling on class certification.

9. Recommend expert discovery date: January 31, 2022

Expert report(s) by party initially seeking to introduce expert testimony recommended due date: November 30, 2021.

Responsive expert report(s) due date: December 30, 2021.

10. Recommended cut-off date for amending the pleadings and/or adding additional parties: June 30, 2021.

11. Recommended date for Status Hearing: after a determination is made regarding class certification.

12. Recommended date for Settlement Conference: after a determination is made regarding class certification.

13. Other matters for the attention of the Court: none at this time.

Dated: March 22, 2021

Respectfully submitted,

By: s/ Patrick H. Peluso
Patrick H. Peluso

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**Pro Hac Vice*

Respectfully submitted,

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